

APR 29 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISMAEL ARCE-MEJIA,

Defendant - Appellant.

No. 07-10082

D.C. No. CR-05-02238-FRZ

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Frank R. Zapata, District Judge, Presiding

Submitted April 22, 2008^{**}

Before: GRABER, FISHER, and BERZON, Circuit Judges.

Ismael Arce-Mejia appeals from the 72-month sentence imposed following his guilty-plea conviction for conspiracy to possess with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and 846;

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

and knowing and intentional possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Arce-Mejia contends that the district court abused its discretion by placing undue emphasis on the sentencing guidelines in imposing the sentence, without giving equivalent consideration to the factors set forth in 18 U.S.C. § 3553(a). The record reflects that the district court gave careful consideration to the § 3553(a) factors, including the need to avoid unwanted sentencing disparities, before granting a downward variance and imposing a below-Guidelines range sentence. *See Gall v. United States*, 128 S. Ct. 586, 599 (2007). The sentence imposed is reasonable. *See id.* at 596-97.

AFFIRMED.